

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Eddie Mack,	:	
Plaintiff,	:	Civil Action 02:06-cv-102
v.	:	Judge Marbley
Reginald Wilkinson, et al.,	:	Magistrate Judge Abel
Defendants.	:	

ORDER

Plaintiff Eddie Mack, a state prisoner, brings this action alleging that defendant violated his Eighth Amendment rights. This matter is before the Court on Magistrate Judge Abel's November 2, 2006 Report and Recommendation that Plaintiff's motions for judgment on the pleadings and summary judgment (doc. 10) and for judgment on the pleadings and motion to strike (doc. 12) be dismissed.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation and **DENIES** Plaintiff's motions for judgment on the pleadings and summary judgment and for judgment on the pleadings and motion to strike. While styled as motions for judgment on the pleadings and summary judgment, these filings actually constitute Plaintiff's attempt to circumvent the number of pleadings allowed by S.D. Civ. R. 7.2(a) so that he could further respond to Defendants' reply to their motion to dismiss.

s/Algenon L. Marbley
United States District Judge